

# PATENT COOPERATION TREATY

## PCT

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### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference CM2199M2/JB	<b>FOR FURTHER ACTION</b>		See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/US00/26975	International filing date (day/month/year) 29/09/2000	Priority date (day/month/year) 01/10/1999	
International Patent Classification (IPC) or national classification and IPC C09B62/78			
Applicant THE PROCTER & GAMBLE COMPANY et al.			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 5 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand  05/02/2001	Date of completion of this report  15.01.2002
Name and mailing address of the international preliminary examining authority:   European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized officer  Ketterer, M  Telephone No. +31 70 340 3645  

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US00/26975

## I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):  
**Description, pages:**

1-34 as originally filed

### **Claims, No.:**

1-30 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

**INTERNATIONAL PRELIMINARY  
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*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes:	Claims	1-30
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-30
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-30
	No:	Claims	

**2. Citations and explanations**  
**see separate sheet**

**VII. Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:  
**see separate sheet**

**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:  
**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/US00/26975

V.1. Reference is made to the following documents:

D1: GB -A- 1 275 944

D2: US -A- 5 877 310

V.2. Claims 1-30 seem to fulfill the requirements of Article 33(1) PCT.

V.2.1. No novelty destroying documents could be disclosed. Claims 1-30 are therefore novel in the sense of Article 33(2) PCT.

V.2.2. Claims 1-30 seem to involve an inventive step, thereby fulfilling the requirements of Article 33(3).

V.2.2.1. D1 discloses reactive dyes bearing chloro triazinyl residues, which are linked to the sugar moieties of an amylose molecule. The purpose of the authors of D1 is to create a method of determining the alpha-amylase activity of a material. D1 does not suggest dyestuffs with SO<sub>2</sub>CH<sub>2</sub>CH<sub>2</sub> groups linked to hydrated ketons or aldehyds, sugars etc. The problem underlying the application can be formulated as: 'finding new reactive dyes for dyeing OH- resp. NH- groups containing fibers with improved general application properties' (see description on page 2).

As the problems are different and no hint to use SO<sub>2</sub>CH<sub>2</sub>CH<sub>2</sub> groups as a link between the hemiacetal and the chromophore are mentioned in D1, claims 1, 10, 13 and 14 of the current application involve also an inventive step.

This can be stated also for compositions comprising such compounds (claims 26-30), for the use (claims 15-20) as well as for the process to prepare the claimed compounds (claims 21-24; as well as the product by process claim 25).

VII. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 and D2 is not mentioned in the description, nor are these documents identified therein.

VIII.1. Claim 10 is not clear. The group Q<sup>+</sup> is not defined. Thereby Q<sup>+</sup> seems not to be defined in the whole description.

VIII.2. All the technical features defined in independent claims 10, 13 and 14 are

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/US00/26975

covered by claim 1; they are not written as dependent claims referring to claim 1.

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>CM2199M2/JB</b>	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. <b>PCT/US 00/ 26975</b>	International filing date (day/month/year) <b>29/09/2000</b>	(Earliest) Priority Date (day/month/year) <b>01/10/1999</b>
Applicant <b>THE PROCTER &amp; GAMBLE COMPANY et al.</b>		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 2 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :



contained in the international application in written form.



filed together with the international application in computer readable form.



furnished subsequently to this Authority in written form.



furnished subsequently to this Authority in computer readable form.



the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.



the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

as suggested by the applicant.



because the applicant failed to suggest a figure.



because this figure better characterizes the invention.

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☐ None of the figures.

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 00/26975

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C09B62/78 D06P3/00 D06P1/38 C09B62/503 C09B62/44

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C09B D06P

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	GB 1 275 944 A (HOFFMANN-LA ROCHE & CO. AG) 1 June 1972 (1972-06-01) page 1, column 2, line 87 -page 2, column 1, line 61 example 1	1, 10, 21, 26
A	US 5 877 310 A (REDDINGTON MARK V ET AL) 2 March 1999 (1999-03-02) abstract; figures	1, 21, 26
A	US 5 766 267 A (BREDERECK KARL ET AL) 16 June 1998 (1998-06-16) abstract; examples	1



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

## \* Special categories of cited documents:

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*G\* document member of the same patent family

Date of the actual completion of the international search

17 January 2001

Date of mailing of the international search report

26/01/2001

Name and mailing address of the ISA

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Authorized officer

Ketterer, M

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 00/26975

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
GB 1275944	A	01-06-1972	AT 304768 B	15-12-1972
			BE 737479 A	16-02-1970
			BG 17467 A	10-11-1973
			CA 948971 A	11-06-1974
			CH 526298 A	15-08-1972
			CS 181156 B	31-03-1978
			DE 1940869 A	26-02-1970
			ES 370596 A	01-05-1971
			FR 2015894 A	30-04-1970
			JP 51014916 B	13-05-1976
			NL 6912544 A	23-02-1970
			RO 56644 A	01-06-1974
			SE 380628 B	10-11-1975
			SU 396036 A	28-08-1973
			US 3694318 A	26-09-1972
US 5877310	A	02-03-1999	AU 6874698 A	24-11-1998
			EP 0977766 A	09-02-2000
			WO 9849176 A	05-11-1998
US 5766267	A	16-06-1998	DE 19517794 A	21-11-1996
			EP 0745719 A	04-12-1996
			JP 8325958 A	10-12-1996
			TR 961020 A	21-12-1996



# INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 00/26975

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C09B62/78 D06P3/00 D06P1/38 C09B62/503 C09B62/44

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C09B D06P

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	GB 1 275 944 A (HOFFMANN-LA ROCHE & CO. AG) 1 June 1972 (1972-06-01) page 1, column 2, line 87 -page 2, column 1, line 61 example 1	1,10,21, 26
A	US 5 877 310 A (REDDINGTON MARK V ET AL) 2 March 1999 (1999-03-02) abstract; figures	1,21,26
A	US 5 766 267 A (BREDERECK KARL ET AL) 16 June 1998 (1998-06-16) abstract; examples	1

☐ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

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- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*G\* document member of the same patent family

Date of the actual completion of the international search

17 January 2001

Date of mailing of the international search report

26/01/2001

Name and mailing address of the ISA

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Authorized officer

Ketterer, M

# INTERNATIONAL SEARCH REPORT

II. Formulation of patent family members

International Application No

PCT/US 00/26975

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
GB 1275944 A	01-06-1972	AT 304768 B	15-12-1972
		BE 737479 A	16-02-1970
		BG 17467 A	10-11-1973
		CA 948971 A	11-06-1974
		CH 526298 A	15-08-1972
		CS 181156 B	31-03-1978
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		ES 370596 A	01-05-1971
		FR 2015894 A	30-04-1970
		JP 51014916 B	13-05-1976
		NL 6912544 A	23-02-1970
		RO 56644 A	01-06-1974
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		SU 396036 A	28-08-1973
		US 3694318 A	26-09-1972
US 5877310 A	02-03-1999	AU 6874698 A	24-11-1998
		EP 0977766 A	09-02-2000
		WO 9849176 A	05-11-1998
US 5766267 A	16-06-1998	DE 19517794 A	21-11-1996
		EP 0745719 A	04-12-1996
		JP 8325958 A	10-12-1996
		TR 961020 A	21-12-1996